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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,776	11/08/2000	Luis M. Ortiz	K1023	2526

7590

12/15/2003

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EXAMINER

GESSESSE, TILAHUN

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 12/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/708,776

Applicant(s)

ORTIZ ET AL.

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4&5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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**Commissioner for Patents**

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-14,16-30,32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Strandwitz et al"Strandwitz" (6,522,352).

As to claims1,16-19 Strandwitz discloses a method for receiving venue-based data at a hand held device (715 and 720), comprising receiving at a hand held device data transmitted from at least one venue based data source ((700 and 701 buildings)

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(column 10, lines 5-34 and figures 6 and 7).processing the data for display on a display screen associated with the hand held device (column 8, lines 9-13) and displaying (display at terminal of 720 and 715 of figure 7)processed data on the display screen, thereby enabling the hand held device to view venue based data through the hand held device (column 10, lines 5-34 and figures 6 and 7).

As to claims 2,20, Strandwitz discloses the data source (700,701) comprising at least one video camera (figure 1).

As to claim 3,21-22, Strandwitz discloses the at least one video camera is adapted to provide high resolution wide antle video data (column 7, lines 27-36).

As to claim 4, Strandwitz discloses receiving at a hand held device data transmitted from at least one venue based data source (700 and 701), comprises receiving through at least one wireless receiver at the hand held device (715 and 720), data transmitted from the at least one venue based data source (figures 6 and 7).

As to claim 5, Strandwitz discloses broadcasting the data to the hand held device through wireless communications (figures 6 and 7).

As to claims 6-7,23-24 Strandwitz discloses transmitting the data from the at least one venue based data source to the hand held device through a wireless network (figure 7).

As to claims 8-9,25 Strandwitz discloses displaying processed data on the display screen (715 and 720) , further comprising displaying processed data on the display screen , in response to user input through a user interface associated with the hand held device (figure 7)

As to claims 10-11,26-28 Strandwitz discloses displaying a particular perspective of the venue based activity on the display screen , in response to a user selection of the particular perspective of the venue activity and image processing module (figure 7).

As to claims 12-14,29-30 Strandwitz discloses the venue based data comprises real time video data and instant replay video data (column 7 lines 51-67).

As to claim 15,31 Strandwitz discloses advertising information  
claims 33-35, Strandwitz discloses which recite the steps of implementing system, in place of method claim 1, are rejected for the same reason as set forth in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandwitz in view of Lee et al (6,535,493).

As to claim 15,31 Strandwitz does not specifically disclose advertising information.

However, Lee et al disclose advertising information (column 8, lines 21-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Strandwitz and Lee in receiving advertising

information , as taught by Lee, in order to inform the user about the advertising items for taking an advantage of the low price sale items.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mileski et al (6,525,762) discloses a wireless underwater video system for obtaining live video/audio data to profile a designated area of an ocean bottom is described the system includes a video camera enclosed in a water tight housing which produces video and audio singal which are transmitted to a transmitting (abstract and figure 1).

Hull et al (5,806,005) disclose an image transfer system 10 (figure 1) wit a remote staion 12 coupled to a sever station 14, via a cellular telephone system 16, includes a digital camera made up of a capture device 20 and an image memory 24 (column 1, line 66-column 2, line 190

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

TBG

December 8, 2003

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**TILAHUN GESESSE**  
**PATENT EXAMINER**

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